

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
June 3, 2011

The Peace Officer Standards and Training Board held its 375th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF MARK BECKNER
CHIEF HEATHER A. COOGAN
SERGEANT LOUIS DIXON III
SGT. DAVID EDMONDSON
SHERIFF JAMES FAULL
SHERIFF STAN HILKEY
SHERIFF JOE PELLE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF KIRK TAYLOR
SHERIFF LOUIS VALLARIO
CHIEF DAVE WOHLERS
SAC JAMES F. YACONE

BOARD MEMBERS ABSENT

COUNCILWOMAN SARAH CLARK (excused)
EXECUTIVE DIRECTOR JAMES H. DAVIS (excused)
CHIEF DAVID FELICE (excused)
CHIEF JOHN PATTERSON (excused)
OFFICER NICHOLAS A. PECK (excused)
PUBLIC MEMBER BOB PENCE (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

PAUL SCHULTZ, P.O.S.T. Director
STEVE NEUMEYER, P.O.S.T. Deputy Director
CARLEEN JOHNSON-GARCIA, Examination Coordinator
CRISTINE MACK, P.O.S.T. Investigator
LISA TONEY, Administrative Assistant
RUTH VANDERBROEK, Compliance Officer
JENNIFER WICKHAM, Training Program Coordinator

MEMBERS OF THE PUBLIC IN ATTENDANCE

RONALD ABRAMSON, Colorado Mounted Rangers
PHIL BACA, Commerce City Police Department
ANDREW BAKER, Teller County Sheriff's Office
TIM BLACK, Broomfield Police Department
MIKE CARTER, Community College of Aurora Basic Law Enforcement Training Academy
DON CHRISTENSEN, County Sheriff's of Colorado
MICHAEL CUMMINGS, Arapahoe County Sheriff's Office
DEAN CURD, County Sheriff's of Colorado
KEVIN GILPIN, Teller County Sheriff's Office
BRIAN HILL, Federal Reserve Police Department
ED KAFEL, El Paso County Sheriff's Office
DONN KRAEMER, Lakewood Police Department
CATHY LABRECQUE, Pikes Peak Community College
JOHN MCFARLANE, Colorado Mounted Rangers
RICK S. MCNAIR, Adams County Sheriff's Office
JASON MIKESELL, Teller County Sheriff's Office
DARREN O'DRISCOLL, El Paso County Sheriff's Office
ERNIE ORTIZ, Aurora Police Department
KARL SMALLEY, Adams County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
ED TRUJILLO, El Paso County Sheriff's Office
RICHARD WEBB, Jefferson County Sheriff's Office
ERIC WITTMAN, Aurora Police Department
JANICE WORTHEM, Red Rocks Community College
RICHARD WREN, Colorado Department of Corrections

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on June 3, 2011.

Arrest Control Committee
Curriculum Committee
Firearms Committee

Introductions:

1. *Welcome* *Attorney General John Suthers*
(Yellow Tab)

- A. New Board Member Announcement

1. Special Agent in Charge James Yacone

Attorney General Suthers welcomed SAC James Yacone to the Board

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- B. Resignation of Chief David Felice and Councilwoman Sarah Clark
2. Introduction of Board Members, Staff, S.M.E. Members and Guests
3. Roll Call Director Paul Schultz

Declaration of a Quorum

4. Approval of P.O.S.T. Board Minutes for March 11, 2011 (Blue Tab)

***Motioned and seconded to approve minutes
Approved Unanimously***

Public Announcement of Formal Rule Making Hearing:

5. Formal Rule Making Hearing (Purple Tab) Attorney General John Suthers
Board Counsel Diane Dash
Director Paul Schultz
- A. Summary of Proposed P.O.S.T. Rule 27 Changes
- B. Public Comment
- C. Vote of Board Members

***Motioned and seconded to approve Rule
Approved Unanimously***

Presentations:

6. ***Subject Matter Expert (S.M.E.) Committee Reports***
- A. ***Curriculum*** Chief Phil Baca, Chairman
Sgt. David Edmondson, Vice-Chairman
Sheriff Joe Pelle, Board Member
- B. ***Arrest Control*** Sgt. Richard "JJ" Webb, Co-Chairman
Cpl. Richard Stensgaard, Co-Chairman
Chief John Patterson, Board Member
- C. ***Firearms*** Deputy Ed Kafel, Chairman
Tech. Robert Winckler, Vice-Chairman

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Sheriff Lou Vallario, Board Member

D. *Law Enforcement Driving*

Lt. Karl Smalley, Chairman

Sgt. Al Padilla, Vice-Chairman

Chief Heather Coogan, Board Member

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Action Items:

**7. Peace Officer Certification Revocation Actions Attorney General John Suthers
(Red Tab) Director Paul Schultz
Board Counsel Diane Dash**

**A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony
Convictions:**

§ 24-31-305, C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder *has been convicted of a felony*, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or, has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court or judge.

1. No. 11-01, Brian L. Williams Certification No. B4247 (PID 113174). On October 12, 2008, Respondent pled guilty and was convicted of 1 count of Sexual Exploitation/Child-Possess Material, § 18-6-403(3)(b.5), C.R.S., a class 6 felony *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: March 22, 2007 – Separated: September 21, 2004)*. The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-01 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Brian L. Williams’ Colorado Peace Officer Certificate No. B4247 (PID 113174).

2. No. 11-02, William Dale Reese, Jr. Certification No. B11950 (PID 123062). On November 15, 2010, Respondent pled guilty to and was convicted of 1 count of Public Servant – Attempt to Influence, § 18-8-306 C.R.S., a class 4 felony. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: March 31, 2009 – Separated: April 14, 2009)*. The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-02 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of William Dale Reese, Jr.’s Colorado Peace Officer Certificate No. B11950 (PID 123062).

**B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor
Convictions:**

§ 24-31-305, C.R.S. A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes are recognized in **§ 24-31-305(1.5) (b) thru (h), C.R.S.**

1. No. M11-01, Michael Eugene Percival, Certification No. 14818 (PID 126570). On December 15, 2010, Respondent pled guilty to 1 count of Harassment – Strike/Shove/Kick, §18-

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8. *Subject Matter Expert (SME) Reimbursement* *Director Paul Schultz*
Training Manager Steve Neumeyer

9. *P.O.S.T. Peace Officer Training Project Grant Awards* Sheriff Joe Pelle
Training Manager Steve Neumeyer

C. Training Report – 2010/2011

10. ***Rule Change Recommendations – Letter of Conditional Authority / Electronic Funds for Exam Fees***
Director Paul Schultz

B. Accepting Electronic Payment for P.O.S.T. Exams

11. ***In-Service Training Academy*** ***Director Paul Schultz***
 - A. Update/Final Action
12. ***Crime Scene Investigation Training Class*** ***Director Paul Schultz***
 - A. Update/Final Action
13. ***P.O.S.T. Recruitment Update*** ***Director Paul Schultz***
 - A. Board Opening for County Sheriff's Position
 1. Update
 - B. Board Openings for Local Government, Chief Position
 - C. Board Member Re-Appointments
 1. Terms Ending June 2011
14. ***Public Comments P.O.S.T. Issues***
15. ***2011 P.O.S.T. Board Meeting Schedule***
 - A. *Thursday and Friday September 22 and 23, 2011 – Pueblo, Colorado*
Friday December 2, 2011 – Colorado Department of Law
16. ***Executive Session***

Next P.O.S.T. Board Meeting
Hosted by the Pueblo County Sheriff's Office – Sheriff Kirk Taylor
Thursday September 22, 2011 – Work Session
Friday September 23, 2011 – Board Meeting

S.M.E. Meetings - 8:00 a.m. – Board Meeting - 10:00 a.m.